

EXHIBIT 5

Block, Samantha

From: Smith, Corey (TAX) <corey.smith@usdoj.gov>
Sent: Tuesday, August 10, 2021 11:47 AM
To: Block, Samantha
Cc: Langston, Lee F. (TAX); MacDougall, Mark; Magnani, Christopher (TAX)
Subject: RE: United States v. Brockman, Case No. 4:21-cr-00009
Attachments: Dkt 70-2 Yudofsky hearing subpoena 179138518328.pdf; ET_0002161849--20170804.pdf; 78200655_2021_08_10_03_02_PM.pdf; UCSH0221884_image.pdf

Ms. Block

We don't agree with your unduly narrow reading of our hearing subpoena. The subpoena clearly requires Dr. Yudofsky to provide, "All described records related to Mr. Brockman Including emails and correspondence from January 1, 2010 to the Present" See attached subpoena.

The language of the subpoena couldn't be more clear. The three pages of notes you produced is not even close to full compliance with this subpoena. Further, as you know, Judge Hanks Ordered these materials to be produced prior thirty days from service of the subpoena which was on May 10, 2021.

We have evidence that Dr. Yudofsky and Mr. Brockman regularly correspondence via email on a variety of subjects (see attached). Dr. Yudofsky is required to immediately produce to the government any and all emails between himself and Mr. Brockman, like the ones attached hereto, from January 2010 to the present.

Corey J. Smith
Senior Litigation Counsel
Tax Division
(202) 514-5230

From: Block, Samantha <samantha.block@akingump.com>
Sent: Monday, August 9, 2021 11:22 PM
To: Smith, Corey (TAX) <Corey.Smith@tax.USDOJ.gov>
Cc: Langston, Lee F. (TAX) <Lee.F.Langston@tax.USDOJ.gov>; MacDougall, Mark <mmacdougall@AKINGUMP.COM>; Magnani, Christopher (TAX) <Christopher.Magnani@tax.USDOJ.gov>
Subject: RE: United States v. Brockman, Case No. 4:21-cr-00009

Mr. Smith,

I am writing in response to your e-mail messages of this morning regarding our production of documents responsive to the Rule 17 subpoena issued to our client, Dr. Stuart Yudofsky, in the captioned case.

First, your assertion that no records were produced that relate to an encounter between Dr. Yudofsky and Mr. Brockman in October 2018 is false. If you look carefully at Bates Nos. YUDOFSKY-000001 to YUDOFSKY-000008, you will see that those pages of notes specifically describe an interaction between Mr. Brockman and Dr. Yudofsky on October 20, 2018.

Moreover, we do not agree with your expansive interpretation of the scope of material sought under the subpoena. While we believe that production is complete within the plain language of the subpoena, we have asked Dr. Yudofsky to again review his files in an effort to identify any email correspondence with Mr. Brockman or other

documentation that could reasonably be considered to fall within the terms “administrative, financial and medical records.” We will let you know as soon as that review has been completed.

Sincerely,
Sammy

Samantha Jennifer Block
AKIN GUMP STRAUSS HAUER & FELD LLP
Direct: [+1 202.887.4217](tel:+1202.887.4217) | Internal: [24217](tel:24217)

From: Smith, Corey (TAX) <corey.smith@usdoj.gov>
Sent: Monday, August 9, 2021 11:53 AM
To: Block, Samantha <samantha.block@akingump.com>
Cc: Langston, Lee F. (TAX) <Lee.F.Langston@usdoj.gov>; MacDougall, Mark <mmacdougall@AKINGUMP.COM>;
Magnani, Christopher (TAX) <Christopher.Magnani@usdoj.gov>
Subject: RE: United States v. Brockman, Case No. 4:21-cr-00009

****EXTERNAL Email****

Ms. Block

In reference to our previous email, I wish to correct the record – we do NOT consider Dr. Yudofsky’s production in response to our subpoena complete. No correspondence between Dr. Yudofsky and Mr. Brockman was produced which is specifically requested.

Please advise.

Corey J. Smith
Senior Litigation Counsel
Tax Division
(202) 514-5230

From: Block, Samantha <samantha.block@akingump.com>
Sent: Friday, August 6, 2021 7:12 PM
To: Smith, Corey (TAX) <Corey.Smith@tax.USDOJ.gov>
Cc: Langston, Lee F. (TAX) <Lee.F.Langston@tax.USDOJ.gov>; MacDougall, Mark <mmacdougall@AKINGUMP.COM>;
Magnani, Christopher (TAX) <Christopher.Magnani@tax.USDOJ.gov>
Subject: United States v. Brockman, Case No. 4:21-cr-00009

Dear Mr. Smith,

On behalf of our client, Stuart Yudofsky, MD, enclosed are materials responsive to the May 10, 2021 subpoena issued pursuant to Fed. R. Crim. P. 17. The Bates range of this production is YUDOFSKY-000001 to YUDOFSKY-000016. We believe that the enclosed files complete the production of documents responsive to the subpoena that are in the possession of our client.

This communication (and the documents produced herewith) does not waive, nor is it intended to waive, any rights, remedies or privileges that may be available to Dr. Yudofsky.

Please let us know if you have any difficulty gaining access to the electronic files.

Best,
Sammy

Samantha Jennifer Block

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